

THE LAW OFFICES OF  
**FREDERICK K. BREWINGTON**

*Attorneys and Counselors at Law*

556 Peninsula Blvd., Hempstead, New York 11550

Phone: 516-489-6959 • Fax: 516-489-6958 • [www.brewingtonlaw.com](http://www.brewingtonlaw.com)

Frederick K. Brewington  
Cathryn Harris-Marchesi  
Tricia S. Lindsay  
Julissa M. Proaño

Oscar Holt III  
Of Counsel

May 17, 2019

**BY ELECTRONIC FILING**

Honorable Gary R. Brown  
United States District Court  
Eastern District Of New York  
100 Federal Plaza  
Central Islip, NY 11722-9014

Re: *McCune v. County of Suffolk, et al.*  
**Docket No.: 2:14-CV-04431 (JS)(GRB)**

Dear Judge Brown:

This office represents Plaintiff Steven McCune. We write the Court to provide a status report regarding the underlying civil action in this matter.

Following the initial conference hearing held before Your Honor on October 30, 2018, Your Honor ordered that "Within 60 days the parties will start the summary judgement process before Judge Seybert". As of now neither party has moved for Summary Judgement. On January 22, 2019 Defense Counsel, Arlene Zwilling, sent a letter to our offices asking "whether Plaintiff still intends to proceed with this action despite the disposition of the underlying prosecution" and "If he does intend to proceed, we ask your consent to an extension of our time to initiate the summary judgment motion process" In a letter dated February 15, 2019, we informed Defense Counsel of our intent to amend the Complaint by withdrawing the claims of 42 U.S.C. §1983 False Arrest/False Imprisonment, 42 U.S.C. §1983 Malicious Prosecution, and State law Malicious Prosecution; and by keeping the remaining claims of 42 U.S.C. §1983 Abuse of Process, 42 U.S.C. §1983 Excessive Force, and 42 U.S.C. §1983 Municipal Liability. In that very letter, we attached a stipulation asking Defendants to stipulate to amend the Complaint as proposed in the letter. The parties then traded emails and Defense Counsel ultimately denied our request to stipulate. As of now, it is our intent to file a motion to amend the Complaint as proposed in the February 15, 2019 letter, and in addition keeping the remaining State law Claims of Abuse of Process and Assault and Battery. We hereby request permission to do so.

Should you have any questions kindly feel free to contact us. We thank Your Honor for your consideration.

Respectfully Submitted,

  
FREDERICK K. BREWINGTON

cc: Arlene Zwilling, Esq. (By ecf)